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7 *Attorneys for Google LLC*

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 GOOGLE LLC,

12 Plaintiff,

13 vs.

14 SONOS, INC.,

15 Defendant.

CASE NO. 3:20-cv-06754-WHA

Related to CASE NO. 3:21-cv-07559-WHA

**DECLARATION OF MARC KAPLAN IN
SUPPORT OF GOOGLE LLC'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF ITS BRIEF SHOWING
CAUSE WHY THE COURT SHOULD
NOT ENTER SUMMARY JUDGMENT
SUA SPONTE OF VALIDITY OF THE
'885 PATENT**

1 I, Marc Kaplan, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of Illinois and have been admitted *pro*
3 *hac vice* in this matter. I am a partner at Quinn Emanuel Urquhart & Sullivan LLC representing
4 Google LLC (“Google”) in this matter. I have personal knowledge of the matters set forth in this
5 Declaration, and if called as a witness I would testify competently to those matters.

6 2. I make this declaration in support of Google’s Administrative Motion to File Under
7 Seal Portions of its Brief Showing Cause Why the Court Should Not Enter Summary Judgment *Sua*
8 *Sponte* of Validity of the ’885 Patent (“Brief Showing Cause”). If called as a witness, I could and
9 would testify competently to the information contained herein.

10 3. Google seeks an order sealing the materials as listed below:

Document	Portions to be Filed Under Seal	Designating Party
Exhibit 6 to the Declaration of Marc Kaplan in Support of Google’s Brief Showing Cause (“Exhibit 6”)	Portions outlined in red boxes on pages 181, 476, 477, 487-493	Google

15 4. The portions of Exhibit 6 outlined in red boxes on pages 487-493 contain confidential
16 business information, including terms to a confidential agreement and details regarding Google’s
17 business partnerships that are not public. Public disclosure of this information would harm Google’s
18 competitive standing and its ability to negotiate future agreements by giving competitors access to
19 Google’s highly confidential business thinking and asymmetrical information about Google’s
20 collaboration strategies and partnerships with other entities. If such information were made public, I
21 understand that Google’s competitive standing would be significantly harmed. I also understand that a
22 less restrictive alternative than sealing the portions of Exhibit 6 outlined in red boxes would not be
23 sufficient because the information sought to be sealed is Google’s proprietary and confidential
24 business information but is necessary to Google’s Brief Showing Cause.

25 5. The portions of Exhibit 6 outlined in red boxes on pages 181, 476, and 477 contain
26 references to Google’s confidential business information and trade secrets, including details regarding
27 source code, architecture, and technical operation of Google’s products and functionalities that Sonos
28

1 accuses of infringement. The specifics of how these functionalities operate is confidential information
2 that Google does not share publicly. Thus, public disclosure of such information could lead to
3 competitive harm to Google as competitors could use these details regarding the architecture and
4 functionality of Google's products to gain a competitive advantage in the marketplace with respect to
5 their competing products. In addition, the portions of Exhibit 6 outlined in red boxes contain excerpts
6 of deposition transcripts and witness statements designated "HIGHLY CONFIDENTIAL
7 ATTORNEYS' EYES ONLY" and/or "HIGHLY CONFIDENTIAL – SOURCE CODE" pursuant to
8 the protective order in this case. *See* Dkt. 92. I also understand that a less restrictive alternative than
9 sealing the portions of Exhibit 6 outlined in red boxes would not be sufficient because the information
10 sought to be sealed is Google's confidential business information and trade secrets but is necessary to
11 Google's Brief Showing Cause.

12 I declare under penalty of perjury under the laws of the United States of America that to the
13 best of my knowledge the foregoing is true and correct. Executed on September 15, 2022, in Chicago,
14 Illinois.

15 DATED: September 15, 2022

16 By: /s/ Marc Kaplan
17 Marc Kaplan
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ATTESTATION

I, Charles K. Verhoeven, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1, I hereby attest that Marc Kaplan has concurred in the aforementioned filing.

DATED: September 15, 2022

/s/ Charles K. Verhoeven

Charles K. Verhoeven